

REMARKS

Claims 52-78 are pending in the application. Applicants herein cancel claims 52-58, 61-66, and 73-79 without prejudice. New claims 79-86 have been added to more accurately describe the invention. Support can be found in paragraphs [0041], [0060], and the previously pending claims. No new matter has been added.

Restriction to one of the following Groups was required under 35 USC §121:

I. Claims 52-68, 77, and 78, drawn to isolated double stranded RNA inhibitors of STAT6.

II. Claims 69-76, drawn to methods of inhibiting STAT6 via double stranded RNA inhibitors.

Applicants provisionally elect Group I, claims 52-68, 77, and 78 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 69-76 from prosecution, without prejudice.

Group 1 was further restricted as follows:

Claims 54, 56, 62, and 65 specifically claims double stranded RNA inhibitors by SEQ ID NOs, which are targeted to and modulate the expression of STAT6. The Office Action holds that the antisense sequences are considered to be separate inventions and one SEQ ID NO must be elected.

In response thereto, Applicants submit new claims 79-86 to overcome this restriction.

SEQ ID Nos 10, 12 and 14 are in fact base sequences for (respectively) human, mouse, and rat STAT6. The reason Applicants refer to SEQ ID NOs 10,

12 and 14 is to provide a way of characterizing the double stranded siRNA according to the invention.

In the double stranded siRNA, the **SENSE** strand can be a contiguous nucleotide sequence with a base sequence with a defined proportion of sequence identity to the base sequence of a contiguous nucleotide sequence of corresponding length which is contained in the mRNA encoded by one of SEQ ID NOs 10,12 and 14.

Alternatively, the **ANTISENSE** strand can have a defined sequence complementarity to that of a contiguous nucleotide sequence of corresponding length which is contained in one of the RNA sequences encoded by one of SEQ ID NO 10, SEQ ID NO 12 and SEQ ID NO 14.

So the references to SEQ ID NOs 10, 12 and 14 (known sequences which all have in common the fact that they are STAT6 sequences) are to provide ways of defining RNA sequences they encode, and then to define the sequence identity or complementarity of the double stranded siRNA according to the invention.

Applicants have demonstrated activity for four double-stranded siRNA's (namely SEQ ID NOs 1, 2, 3, and 4). The new claims require a sense and anti-sense strand having 18-23 nucleotides, having at least 80% complementarity to SEQ ID NOs 10, 12, or 14, as well as at least 80% complementarity to SEQ ID NO 1. Therefore, the sequences are now well defined and are similar enough that they are not considered separate inventions. They can be examined together without requiring undue searching. Reconsideration of the requirement for restriction with respect to the SEQ ID NOs is respectfully requested.

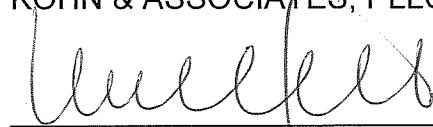
The application is now in condition for allowance, which allowance is respectfully solicited.

USSN: 10/590,680
Attorney Docket No.: 0147.00004

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

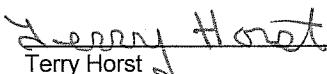

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I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on the above date.


Terry Horst